

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>COLIN J. BEST,</b>	:	<b>CIVIL ACTION NO. 1:10-CV-1877</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>KYLE RUDE,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 8th day of November, 2010, upon consideration of the report of the magistrate judge (Doc. 7), recommending that the complaint be dismissed without prejudice for failure to state a claim upon which relief can be granted, and, following an independent review of the record, and noting that defendant filed objections to the report on September 27, 2010 (Doc. 11)<sup>1</sup>, but sets forth no colorable basis for modification of the magistrate judge's thorough and well-reasoned report, it is hereby ORDERED that:

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

1. The report of the magistrate judge (Doc. 7) is ADOPTED in its entirety.
2. The motion to appointment counsel (Doc. 13) is DENIED as moot.
3. The Clerk of Court is instructed to CLOSE this case.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge